



November 12, 1999

Mr. Sim W. Goodall
Police Legal Advisor
City of Arlington
P.O. Box 1065
Arlington, Texas 76004-1065

OR99-3229

Dear Mr. Goodall:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 130709.

The Arlington Police Department (the "department") received a request for an investigation report of an alleged sexual assault on a child. You state that the requestor is the alleged offender's attorney. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and have reviewed the information you submitted.

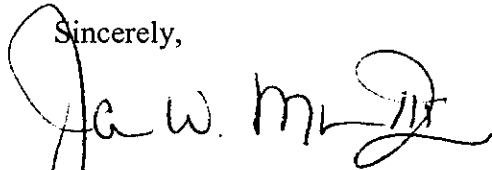
Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 261.201 of the Family Code provides in relevant part:

- (a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:
 - (1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and
 - (2) except as otherwise provided in this section, the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

We believe that the requested information consists of reports, records, and working papers used or developed in an investigation made under chapter 261 of the Family Code. You have not informed this office of any rules the department has adopted that would permit access to the requested information. We therefore conclude that the requested information is confidential pursuant to section 552.101 of the Government Code, in conjunction with section 261.201 of the Family Code. *See* Open Records Decision No. 440 (1986) (construing predecessor statute). Consequently, the department must not release any of the requested information to the requestor.¹

In light of our conclusion under section 552.101, we need not address the applicability of section 552.108 of the Government Code. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'J.W. Morris III', written over a circular flourish.

James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/ch

Ref:ID# 130709

Encl. Submitted documents

cc: Mr. Gordon Gray
Attorney at Law
One Commerce Plaza
100 North Commerce
Fort Worth, Texas 76102
(w/o enclosures)

¹We note that a parent or other legal representative of the victim of the alleged assault may have a right to obtain from the Texas Department of Protective and Regulatory Services portions of the requested information. *See* Fam. Code § 261.201(g).